

OFFICIAL COPY

Fresno, California

December 11, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Blong Xiong	Acting Council
	Henry Perea	Council President

Absent:	Larry Westerlund	Councilmember
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Andy Souza, City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Sr. Pastor G.L. Johnson of Peoples Church gave the invocation and President Perea led the Pledge of Allegiance.

PRESENTATION OF DISTRICT 7 STUDENT RECOGNITION AWARDS - PRESIDENT PEREA

PRESENTATION OF PROCLAMATION AND CERTIFICATES OF RECOGNITION TO THE FRESNO PACIFIC UNIVERSITY WOMEN'S VOLLEYBALL TEAM - COUNCILMEMBER DAGES

Presentations made.

PRESENTATION BY THE CENTRAL CALIFORNIA SPCA OF A "CHRISTMAS END-OF-THE-YEAR THANK YOU"

Rescheduled for December 18, 2007.

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APPROVE MINUTES OF NOVEMBER 27, 2007, AND DECEMBER 4, 2007

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of November 27th and December 4th approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: (1) Announcement that the SPCA "kittens of the month" presented last week were adopted; and (2) concern with the Woodward Park BMX bike course CUP being issued after the course was built, concern expressed by citizens on lack of public notice/input, request for explanation to convey to citizens, and formal appeal made this date to the Planning Commission on the issuance of CUP No. C-07-17, with City Manager Souza stating he had just learned of the issue and would respond.

COUNCILMEMBER STERLING: Commendation to P&R staff for the successful Christmas parade and Eaton Plaza event on Saturday, Mayor Autry and staff for the City Hall Christmas tree lighting ceremony and activities Friday night, and the local talent and all involved in the Christmas at Warnors Theater event.

ACTING PRESIDENT XIONG: Thank you to ISD staff for their assistance at the Hmong Voices premier at City Hall on Saturday and Councilmember Calhoun and the FUSD for their support.

COUNCILMEMBER DAGES: Concurrence with Councilmember Sterling's comments and commendation to staff on the Christmas Tree lighting ceremony and Saturday's parade and Eaton Plaza event.

COUNCILMEMBER CALHOUN: (1) Thank you to staff for the Herndon Avenue traffic signal synchronization project ; (2) commendation to staff on the Christmas Tree lighting ceremony, parade, and Eaton plaza events; (3) appreciation expressed to Acting President Xiong and all involved in the Hmong Voices event at City Hall and to the many groups now holding their events at City Hall.

CITY MANAGER SOUZA: Concurrence with comments made on Friday and Saturdays Christmas events and commendation to Mayor and P&R staff for a wonderful weekend.

PRESIDENT PEREA: Commendation to staff on the weekend Christmas events.

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APPROVE AGENDA:

(10:45 A.M.) TEFRA HEARING CONCERNING THE PROPOSED ISSUANCE OF TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF A SENIOR LIVING, RENTAL HOUSING FACILITY COMMONLY KNOWN AS BRIDGES AT FLORENCE AVENUE ***(To be rescheduled and noticed)***

Removed from the agenda/to be rescheduled as noted.

(1-L) CONSIDER THE PROPOSED BARSTOW-GRANTLAND NO.3 REORGANIZATION FOR DETACHMENT OF TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TO THE CITY OF FRESNO

1. ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-06-01/T-5600

2. RESOLUTION - APPLYING TO LAFCO

- and -

(1-M) CONSIDER THE PROPOSED DAKOTA-MAPLE NO.2 REORGANIZATION FOR DETACHMENT OF TERRITORY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION AND REZONING OF THE SAME TO THE CITY OF FRESNO

1. RESOLUTION - AUTHORIZING THE PLANNING & DEVELOPMENT DIRECTOR TO INITIATE THE PRE-ZONING AND ANNEXATION WITH LAFCO

The above items **1-L** and **1-M** moved to #2 - General Administration at the request of staff.

(1-J) AWARD A CONTRACT IN THE AMOUNT OF \$162,005.75 TO V&G BUILDERS INC., FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 66

Laid over one week at the request of the city manager.

(2-B) DIRECTION TO STAFF TO PROCEED WITH DEVELOPING THE CONCEPT OF RESTORING THE FULTON MALL, INCLUDING PREPARATION OF THE SECTION 108 APPLICATION TO FINANCE FULTON MALL PROJECTS, FORMATION OF A FULTON MALL ASSESSMENT DISTRICT TO CREATE A REVENUE STREAM FOR REPAYMENT OF THE LOAN, AND REALLOCATION OF \$60,000 WITHIN THE SECTION 108 DOWNTOWN ECONOMIC DEVELOPMENT-LAND ACQUISITION FUND FOR COSTS ASSOCIATION WITH THE FULTON MALL PROJECT

1. RESOLUTION - APPROVING THE REALLOCATION OF \$60,000 WITHIN THE SECTION 108 DOWNTOWN ECONOMIC DEVELOPMENT-LAND ACQUISITION FUND FOR COSTS ASSOCIATED WITH THE FULTON MALL PROJECT

Councilmember Duncan advised Councilmember Westerlund asked him to request this item be held over one week as he wanted to participate in it, and by Council consensus the above entitled Item **2-B** was laid over to December 18th.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

(9:00 A.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:

1. APPEARANCE BY CAL FIRE CHIEF LARKIN TO PROVIDE UPDATE ON THE FIRES IN SOUTHERN CALIFORNIA

Appearance made/update given.

2. APPEARANCE BY ROSELYN CLARK, FRESNO POLICE & NEIGHBORHOOD WATCH ASSOCIATION, TO PRESENT AN UPDATE ON REPLACEMENT OF DAMAGED NW SIGNS AND TO PRESENT A CALENDAR TO COUNCIL AND THE CITY MANAGER

Appearance and presentation made.

3. APPEARANCE BY DARRYL HEFKE REGARDING HOMELESS ISSUES, FAX BUS REPAIRS, AND WATER ISSUES AT HERNDON TOWN

Not present when called.

ADOPT CONSENT CALENDAR:

(2 - 0) Councilmember Dages removed **Item 1-A** and Councilmember Duncan removed **Item 1-C** from the Consent Calendar for separate discussion/action.

(1-B) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE SOBRIETY CHECKPOINT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES

1. RESOLUTION NO. 2007-405 - 55TH AMENDMENT TO THE AAR APPROPRIATING \$176,500 FOR THE PROGRAM

(1-D) APPROVE THE SIDE LETTER OF AGREEMENT AMENDING THE SUPPLEMENTAL SICK LEAVE PROVISIONS OF THE MOU BETWEEN THE CITY AND THE CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)

(1-E) RESOLUTION NO. 2007-406 - 459TH AMENDMENT TO MFS RES. 80-420 INCREASING GREEN FEES AND ESTABLISHING NON-RESIDENT RATES AT RIVERSIDE MUNICIPAL GOLF COURSE

(1-F) RESOLUTION NO. 2007-407 - 56TH AMENDMENT TO THE AAR APPROPRIATING \$1,997,300 FOR THE PURPOSE OF SUPPLEMENTAL URBAN GROWTH MANAGEMENT (UGM) AND IMPACT FEE REIMBURSEMENTS FROM AVAILABLE FUNDS TO APPROVED DEVELOPERS, AND APPROPRIATING \$100,000 TO THE WILLOW AVENUE WIDENING PROJECT (TEAGUE TO BEHYMER)

(1-G) RESOLUTION NO. 2007-408 - SETTING A HEARING FOR JANUARY 29, 2008, TO CONSIDER AMENDING UNDERGROUND UTILITY DISTRICT NO. FRE-86 TO INCLUDE WILLOW AVENUE BETWEEN SOUTH OF SHEPHERD AND BEHYMER AVENUES

(1-H) APPROVE AMENDMENT NO. 3 FOR A THREE YEAR EXTENSION OF THE LEASE AND CONCESSION AGREEMENT WITH NICHOLAS J. PALOMARES FOR OPERATION OF THE FYI AIRPORT BARBERSHOP, AND AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE THE ADDENDUM ON BEHALF OF THE CITY

(1-I) AWARD A CONTRACT IN THE AMOUNT OF \$692,828 TO WITBRO INC. d.b.a. SEAL RITE PAVING AND GRADING FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 59

(1-K) RESOLUTION NO. 2007-409 - APPROVING THE REALLOCATION OF \$60,000 OUT OF CONTINGENCY WITHIN THE CITY LANDFILL CLOSURE FUND FOR LAB TESTING AND STAFF OVERHEAD COSTS ASSOCIATED WITH CONSTRUCTION OF PHASE 2 GROUNDWATER REMEDIATION AT THE FRESNO SANITARY LANDFILL

(1-N) BILL NO. B-98 - ORDINANCE NO. 2007-95 - AMENDING A SECTION OF THE FRESNO MUNICIPAL CODE RELATING TO MOBILE VENDORS WITHIN 1,000 FEET OF THE PROPERTY LINES OF PUBLIC OR PRIVATE SCHOOLS

(1-O) CONSIDER PHASE 4 OF THE CODE STREAMLINING PROJECT TO REPEAL AND RE-ADOPT CHAPTERS 4, 5 AND 8 OF THE FRESNO MUNICIPAL CODE (FMC) AND ADOPT UNCODIFIED ORDINANCE RELATED TO ASSESSMENT PROCEDURES

1. BILL NO. B-100 - ORDINANCE NO. 2007-96 - REPEALING CHAPTERS 4 AND 5 AND ADDING CHAPTERS 4 AND 5 TO THE FMC RELATING TO THE CODE STREAMLINING PROJECT

2. BILL NO. B-101 - ORDINANCE NO. 2007-97 - REPEALING CHAPTER 8 AND ADDING CHAPTER 8 TO THE FMC RELATING TO THE CODE STREAMLINING PROJECT

3. BILL NO. B-102 - ORDINANCE NO. 2007-98 - ADOPT UNCODIFIED ORDINANCE FOR CERTAIN ASSESSMENT PROCEDURES RELATING TO THE CODE STREAMLINING PROJECT

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

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CONTESTED CONSENT CALENDAR:

(1-A) RESCIND PREVIOUS REQUIREMENTS CONTRACT AWARDED 10/20/07, TO REYNOLDS BUICK/PONTIAC/GMC FOR MEDIUM DUTY CAB AND CHASSIS TRUCKS AND AWARD A NEW ONE YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO BOB SILVA FORD IN THE AMOUNT OF \$780,011.40 FOR MEDIUM DUTY CAB AND CHASSIS TRUCKS

Councilmember Dages noted the difference between the two lowest bidders was only \$340.00 the second lowest was from Fresno, stated this was frustrating and elaborated, and questioned if local preference could be applied here or if anything could be done this date. City Attorney Sanchez responded, clarified issues, and advised staff could be directed to return with a code amendment to expand local preference (increase the \$250,000 limit) and include consideration of the sales tax as requested, whereupon Councilmember Dages made a motion to that effect. The motion was seconded by President Perea and upon his question Fleet Manager Shaad advised these were clean diesel vehicles with exhaust after-treatment devices already on them.

On motion of Councilmember Dages, seconded by President Perea, duly carried, RESOLVED, staff directed to return with a code amendment to expand the local preference ordinance and include consideration of sales tax, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

Relative to staff's recommendation Councilmember Dages stated he could not support sending business down the road for \$340.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the requirements contract awarded 10/30/07, to Reynolds Buick/Pontiac/GMC of Covina, CA, hereby rescinded, and a new one year requirements contract, with provisions for two one-year extensions, awarded to Bob Silva Ford of Chowchilla, CA, as outlined above, by the following vote:

Ayes	:	Calhoun, Sterling, Xiong, Perea
Noes	:	Dages, Duncan
Absent	:	Westerlund

(1-C) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH S.I.M. ARCHITECTS FOR \$706,583 TO PRODUCE CONSTRUCTION DOCUMENTS FOR PHASE I OF THE FRESNO POLICE DEPARTMENT REGIONAL LAW ENFORCEMENT TRAINING FACILITY PROJECT AND SIGN THE AGREEMENT ON BEHALF OF THE CITY

Councilmember Duncan clarified he was not against the training facility and it was going to be a great amenity but he wanted to delay this item until a business plan is submitted as previously requested, and stated this project was sold to Council on the premise that it would be almost self-sufficient, Council was being asked to begin a process of spending \$12 million with no idea if this concept is going to work and without any information on how it will impact the general fund, and made a motion to table the matter for 30 days until a proposed business plan is submitted to ensure this fits within the overall impact of the city's forthcoming budget issues.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to table the matter for 30 days for receipt of a business plan update failed, by the following vote:

Ayes	:	Dages, Duncan
Noes	:	Calhoun, Sterling, Xiong, Perea
Absent	:	Westerlund

A motion and second was made to approve staff's recommendation.

Upon the request of Councilmember Sterling, Capt. Reed spoke to the business plan and the needs assessment that was conducted, and advised a detailed report on the assessment was previously sent to Council by tray memo.

President Perea stated he was a strong supporter of the project noting the existing facility was dilapidated and inadequate and explained, and spoke briefly to training and reimbursement. Councilmember Duncan stated he, too, was a strong supporter of the project but his concern was no one on this dais knows at this time what the impact or cost will be to the general fund.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Public Works Director granted the authority to negotiate and enter into an agreement with S.I.M. Architects for \$706,583 to produce construction documents for Phase 1 of this project, and authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Calhoun, Sterling, Xiong, Perea
Noes	:	Dages, Duncan
Absent	:	Westerlund

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(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Sherry Smith, 4724 W. Swift, spoke to spoke to the loss of Fresno Station 16 in the Ashlan/Cornelia area and the issue of public trust.

Don Simmons, Chair of the Historic Preservation Commission, 1440 Divisadero, spoke in support Romi Baghgegia, developer of the Hotel Fresno project, and stated the security requirement placed on the project may put the Hotel Virginia project in jeopardy and requested Council reconsider the requirement so Mr. Baghgegia can complete the Hotel Virginia and move forward on Hotel Fresno.

Councilmember Calhoun stated Council has been sensitive to this issue and he did not want the impression left that the city was "putting the squeeze" on Mr. Baghgegia adding the city was doing its best to work with him, and upon his request City Attorney Sanchez gave a brief update on what has transpired, including the security requirement, and advised staff would present some recommendations to Council next week in closed session. Upon questions of Acting President Xiong Mr. Sanchez clarified because of the litigation full discussion has to be limited to closed session, staff felt Mr. Baghgegia should be allowed to make his request for a waiver of the security deposit, recommendations would be forthcoming next week in closed session, and this was an informational matter for Council.

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(9:10 A.M.) APPEARANCE BY MEHRAN “ROMI” BAGHGEZIA TO REQUEST THE SECURITY REQUIREMENT BE REMOVED AS A CONDITION FOR A STAY OF EXECUTION OF THE JUDGMENT AND TO PRESENT THE STATUS OF CONSTRUCTION OF THE HOTEL FRESNO

Mr. Baghgegia spoke to the process he has gone through, issues the Hotel Fresno building has, and time needed to deal with issues, and stated he was here to do the project and qualified to do it and added the extension to December 21st was not enough time to resolve anything stating March or April would have been better.

Architect Alan Meridian of Glendale, CA, a partner in the project, gave a PowerPoint presentation on plans for the proposed Hotel Fresno project which also included photos showing the condition of the interior of the building.

President Perea thanked the partners for the information presented stating it was helpful. Councilmember Sterling expressed her thanks for what the developer has done with all the challenges and asked that she be kept informed throughout the process. Councilmember Dages commended Mr. Baghgegia on the Virginia Hotel project and presented questions relative to numbers, if the developer has been sticking with time lines, and if any delays were foreseen, with Mr. Sanchez and Building & Safety Services Manager Bishop responding.

Mr. Baghgegia questioned why an additional burden would be placed on the project and stated he hoped the security deposit would be removed, with President Perea reiterating staff would be presenting recommendations next week and Council would address the matter in closed session.

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(9:15 A.M.) CITY COUNCIL:

(“A”) CONSIDER RECOMMENDATIONS OF THE COUNCIL BUDGET SURPLUS COMMITTEE - PRESIDENT PEREA
1. RESOLUTION NO. 2007-410 - 24TH AMENDMENT TO THE AAR APPROPRIATING \$1,535,000 TO FUND \$600,000 FOR FY 2008 POLICE DEPARTMENT OVERTIME COSTS, AND \$935,200 IN THE FY 2009 BUDGET PROTECTION PLAN RESERVE

President Perea gave a brief overview of the issue, all as contained in the report to the Mayor and Council as submitted **(3 - 0)**.

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2007-410 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Perea
Noes	:	None
Absent	:	Westerlund

(“B”) DIRECT STAFF TO RETURN BY JANUARY 28, 2008, WITH A DEFICIT ELIMINATION PLAN THAT WILL PROVIDE RECOMMENDATIONS TO THE COUNCIL ON HOW WE CAN ENSURE A BALANCED CITY BUDGET IN 2011 BASED ON CURRENT PROJECTED REVENUES, WITH THE PRIORITY BEING PLACED ON MAINTAINING AND EXPANDING PUBLIC SAFETY SERVICES - COUNCILMEMBER DUNCAN

Councilmember Duncan displayed a chart on the overhead depicting what the general fund balance will look like in the next three years, noted the chart goes down extensively and the area of concern was the \$18 million deficit projected in 2011, stated he has not found any information anywhere stating things will turn around over the next several years and he wanted staff to return by the end of January with information needed to manage this situation and what can be changed now so good decisions can be made, and made a motion to direct staff to return by January 28th with a deficit elimination plan that will provide recommendations to Council on how we can ensure a balanced City budget in 2011 based on current projected revenues with the priority being placed on maintaining and expanding public safety services.

City Manager Souza stated this had to be looked at in the proper context and clarified the city was in a challenge mode and not a crisis, advised departments were preparing contingency plans right now due to early, preliminary projections, and stated a lot of factors will continue to play out, staff has been prudent and Council has been supportive of that prudence, and recommended Council let staff continue to work on their plans and added the time to discuss 2010 and 2011 would be in the context of 2009's budget.

Upon call Councilmember Dages seconded the motion for discussion purposes and lengthy discussion ensued. Councilmember Sterling thanked Mr. Souza for giving clarity and stated with the heads up Council will be prepared to move forward in making some challenging decisions, thanked Councilmember Duncan for bringing this matter forth, stated Council needed to be careful with projects already bonded for and those related to environmental issues and explained, and stated she was supportive of letting things go forward as they are now. Councilmember Dages stated he liked the idea of projecting out, he felt the city needed to be careful with the limited general fund dollars and be prudent with how those dollars are spent in the coming months, and acknowledged there was a budget process and stated he was caught in the middle as he agreed somewhat with where Councilmember Duncan was going but he also felt staff should be allowed to do what they are being paid to do and he would wait to hear more. Councilmember Calhoun stated he was disappointed the quarterly financial reports were discontinued and added he has asked staff to continue that process and told it would he has yet to receive the reports, stated Council deserved that kind of a reporting process otherwise they were open to not being sure where the city was in the process, and upon his question Mr. Souza stated Council should have been receiving the reports and subsequently clarified the financial reports had been posted on the city's website for the past year and added staff would start sending out hard copies as well.

Mr. Souza concurred the general fund had limited resources which was why staff was looking at not only contingency plans but also some short-term implementations that could be taken to identify some efficiency savings, and added any new programs that come forth will be addressed in the process of not just the current year but also 2009, 2010 and 2011.

Councilmember Duncan stated the bonds to be issued have not been well scrutinized and the impact was not going to be small, based on staff's projections stressed the city was spending too much and needed to spend a lot less, emphasized \$18 million less in 3 years was not a small amount and from his experience looking at next week and next year was a better way of managing a situation the city will be going through, and acknowledging his item will probably not pass but stated hopefully it raised a level of discussion on the fact that the city will have a big hole to fill in 3 years.

Mr. Souza responded briefly to questions of Acting President Xiong relative to the bond impact to the general fund, what staff's position was, and if staff would be submitting better projections next year. Acting President Xiong stated although he was a strong supporter of public safety if the city ever got to a crisis he would want challenging, difficult decisions to be made across the board and not hold any department harmless. Mr. Souza responded to questions of President Perea relative to whether staff plans budgets year to year or looks two to three years down the road, and how this motion was different from what staff is doing. President Perea stated it would prudent to include Council in any type of future budget planning and requested a Council sub-committee review and work with staff on the department contingency plans. Councilmember Duncan requested staff submit a tray memo on each of the projects currently being planned for with bonds and the cost to operate those projects stating that was a critical piece of information needed to make good decisions.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to direct staff to return by January 28, 2008, with a deficit elimination plan with recommendations to Council on how a balanced City budget can be ensured in 2011 based on current projected revenues, with the priority being placed on maintaining and expanding public safety services failed, by the following vote:

Ayes	:	Dages, Duncan, Perea
Noes	:	Calhoun, Sterling, Xiong
Absent	:	Westerlund

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(10:00 A.M.) HEARING ON CFD NO. 11, ANNEXATION NO. 24, TRACT NO. 5603

- 1. RESOLUTION NO. 2007-411 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES**
- 2. RESOLUTION NO. 2007-412 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2007-413 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-103 - ORDINANCE NO 2007-99 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2007-2008 AND FUTURE TAX YEARS**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Mozier advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-411, 2007-412 and 2007-413 hereby adopted, and the above entitled Bill No. B-103 adopted as Ordinance No. 2007-99, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

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(10:10 A.M.) HEARING ON CFD NO. 11, ANNEXATION NO. 26, TRACT NO. 5471

- 1. RESOLUTION NO. 2007-414 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES**
- 2. RESOLUTION NO. 2007-415 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2007-416 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-104 - ORDINANCE NO 2007-100 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2007-2008 AND FUTURE TAX YEARS**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Assistant Public Works Director Mozier advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-414, 2007-415 and 2007-416 hereby adopted, and the above entitled Bill No. B-104 adopted as Ordinance No. 2007-100, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

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(10:15 A.M.) DEVELOPMENT PARTNER CENTER (DPC) WORKSHOP

The workshop was conducted by Assistant City Manager Ruiz, Economic Development Director Johnson, Planning & Development Director Yovino and Assistant P&D Director Bergthold, who gave an in-depth PowerPoint presentation which included What the DPC is, Goals of the DPC, DPC Principles, Why the DPC is Important from an Economic Development Standpoint, Background/DPC Preparation/Organizational Changes, Progress over the Last 20 Months **(4 - 0)**, P&D Process, DPC Goals, A Look at Other Cities, Site Plan of the Proposed Application Business Center, Functions of the DPC, DPC Implementation, and Managing Expectations.

Steve Geil, Economic Development Corp., spoke in support of the DPC.

Mr. Bergthold responded to questions and/or comments of Councilmembers Duncan and Xiong relative to calculation of fees for smaller scale projects, planned coaching/education for staff, need and support for the DPC and commendation to staff, customer input process, the city's investment in technology and if ISD has been involved, and if the DPC will have the capacity to integrate/incorporate department programs/data. Councilmember Dages spoke to his bad experience in going through the process and to concerns, problems and perceptions he has been made aware of, and stated to see this come to fruition was great and the DPC was long overdue. President Perea commended staff and stated he was glad to see departments on top of each other, stated once implemented the DPC will be the most powerful tool to create jobs, and questioned if the DPC will "break the shackles" of everyday pressures of planners, with Mr. Bergthold responding.

Mr. Geil added he has not had a problem wherein staff did not address it right away and he was very impressed with the way staff handles issues, with Councilmember Duncan concurring and stating the city had amazing, professional staff and the problem sometimes was the process which can create problems and this was a step to change that so it will work for everyone. There was no further discussion.

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(11:00 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-55 AND ENVIRONMENTAL FINDINGS FILED BY SOL DEVELOPMENT ASSOCIATES, LLC, ON BEHALF OF HORIZON ENTERPRISES, INC., PROPERTY LOCATED ON THE SOUTH SIDE OF W. BARSTOW BETWEEN N. GRANTLAND AND VETERAN'S BOULEVARD

1. CONSIDER AND ADOPT E.A. NO. R-06-55, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN EIR

2. BILL NO. B-105 - ORDINANCE NO. 2007-101 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/UGM

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Pagoulatos advised the staff report as submitted was complete and there was no new information to add.

Bill Robinson, representing Sol Development Associates, requested approval and advised there had been an issue of a park inclusion.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun clarified the issue of underlying land and how it might be used for a future park was well addressed and stated this was a good project and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the subject E.A. hereby adopted and the above entitled Bill No. B-105 adopted as Ordinance No. 2007-101, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

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2. GENERAL ADMINISTRATION:

(“A”) APPROVE THE CITY COUNCIL MEETING SCHEDULED FOR CALENDAR YEAR 2008

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, **RESOLVED**, the City Council meeting schedule for Calendar Year 2008 hereby approved as submitted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(“C”) APPROVE AND AUTHORIZE THE POLICE CHIEF TO ENTER INTO GANG PREVENTION SERVICE CONTRACTS WITH: **(1)** PRIMER PASO INSTITUTE, INC., FOR CLINICAL ASSESSMENT CONSULTING SERVICES IN THE AMOUNT OF \$9,900, AND **(2)** CROSSOVER MINISTRIES d.b.a. AESTHETIC VIEW INSTITUTE FOR ANGER MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$56,614

Deputy Chief Foster gave a brief overview of the issue, all as contained in the staff report as submitted.

On motion of Councilmember Dages, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the Police Chief authorized to enter into the two above entitled Gang Prevention Service Contracts, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes	:	None
Absent	:	Westerlund

(“D”) BILL NO. B-79 - ORDINANCE NO. 2007-102 - AMENDING THE FMC RELATING TO ALTERNATIVE BUILDING STANDARDS ADDING IN ITS ENTIRETY DIVISION 5 TO CHAPTER 11, ARTICLE 1, AND AMENDING THE TABLE OF CONTENTS OF CHAPTER 11 RELATING TO JOINT LIVING AND WORK QUARTERS

1. APPROVE ENVIRONMENTAL FINDING FOR THE ENVIRONMENTAL ASSESSMENT DATED JULY 11, 2007

A motion and second was made to approve staff's recommendation. Upon question Planner Fabino advised the staff report as submitted was complete and there was no new information to add.

Councilmember Calhoun stated staff worked on this for a long time and it had some significant implications for some areas of the city, particularly downtown, and with the use of an additional consultant to move this forward, and upon his request Mr. Fabino spoke to the implications and positive impact this will have as it moves forward, and commended staff involved for their great work **(5 - 0)**.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-79 adopted as Ordinance No. 2007-102, and the environmental finding for the E.A. hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

Councilmember Calhoun left the meeting at 11:46 a.m.

(1-L) CONSIDER THE PROPOSED BARSTOW-GRANTLAND NO. 3 REORGANIZATION FOR DETACHMENT OF TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TO THE CITY OF FRESNO

1. AFFIRM CITY COUNCIL ACTION OF 01/21/07, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-06-01/T-5600, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2007-417 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED BARSTOW-GRANTLAND NO. 3 REORGANIZATION

Planner Braun stated this was a straightforward, routine annexation and submitted a revised resolution into the record due to a recent change in LAFCO's policy requiring the city to indemnify them on any annexation proposed to them.

A motion and second was made to approve staff's recommendation. Upon question of President Perea Mr. Braun stated LAFCO's request for indemnification was something new and could probably be expected from now on.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, City Council action of January 21, 2007, as outlined above hereby affirmed, and the above entitled Resolution No. 2007-417 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Calhoun, Westerlund

(1-M) CONSIDER THE PROPOSED DAKOTA-MAPLE NO. 2 REORGANIZATION FOR DETACHMENT OF TERRITORY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION AND REZONING OF THE SAME TO THE CITY OF FRESNO

1. RESOLUTION NO. 2007-418 - AUTHORIZING THE PLANNING & DEVELOPMENT DIRECTOR TO INITIATE THE PRE-ZONING AND ANNEXATION OF THE DAKOTA-MAPLE NO. 2 REORGANIZATION WITH LAFCO

Project Manager Barnes submitted a revised resolution into the record to reflect the indemnification and explained, and responded briefly to questions of Councilmember Dages relative to city water lines.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 200-418 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Calhoun, Westerlund

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LUNCH RECESS - 11:53 A.M. - 2:00 P.M.

3. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF V. HOTELS.com;HOTELS.com GP,LLC;HOTWIRE,INC.; CHEAP TICKETS, INC;CENDANT TRAVEL DISTRIBUTION SERVICE GROUP, INC.; EXPEDIA, INC., INTERNETWORK PUBLISHING CORP. D.b.a. LODGING.com; LOWEST FARE.com, INC., MAUPINTOUR HOLDING LLC; ORBITZ INC.; ORBITZ LLC; PRICELINE.com, INC.;; SITE59.com, LLC; TRAVELOCITY.com, INC.; TRAVELOCITY.com, LP; TRAVELWEB, LLC; AND TRAVELNOW .com, INC.

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: COF V. M.J. MENEFEE CONSTRUCTION, INC., AND GREAT AMERICAN INSURANCE COMPANY (HERNDON AVENUE IMPROVEMENTS)

ADD-ON: 3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - PROPERTIES:

- 1. STATE OF CALIFORNIA, 2855 W. WHITESBRIDGE**
- 2. COMP. ALCOHOL PROGRAM, 2445 W. WHITESBRIDGE**
- 3. FRESNO IRRIGATION DISTRICT**
- 4. HAIG ATAMIAN, 2343 W. KEARNEY**
- 5. ANTHONY MELLO, 2820 W. CALIFORNIA**
- 6. RAY SCOTT, 2105 W. CALIFORNIA**
- 7. HEHN HO, 2394 S. HUGHES**
- 8. SHIGEO HAYASHI, 1348 S. MARKS**

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in regular open session at 2:36 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Sanchez announced in the matter of **Item #1**, Council directed his office to initiate litigation against the on-line travel companies on a unanimous vote.

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(2:30 P.M.) HEARING ON REZONE APPLICATION NO. R-06-70 AND ENVIRONMENTAL FINDINGS FILED BY ELIAS SALIBA ON BEHALF OF A-1 INVESTMENTS LLC, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. BLYTHE AND W. DAKOTA AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-70/T-5766, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-106 - ORDINANCE NO. 2007-103 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Zuniga advised the staff report as submitted was complete and there was no new information to add.

Subdivision architect Elias Saliba stated he was supportive of staff's recommendation.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Acting President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the subject E.A. hereby adopted and the above entitled Bill No. B-106 adopted as Ordinance No. 2007-103, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

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(2:35 P.M.) HEARING ON REZONE APPLICATION NO. R-07-47 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. BLYTHE AND W. McKINLEY AVENUES
1. CONSIDER AND ADOPT E.A. NO. R-07-47, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-107 - ORDINANCE NO. 2007-104 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-R (COUNTY) TO R-A/UGM

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the subject E.A. hereby adopted and the above entitled Bill No. B-107 adopted as Ordinance No. 2007-104, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

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RECESS - 2:38 P.M. - 2:52 P.M.

(2:50 P.M.) WORKSHOP ON “FRESNO GREEN” PROJECT - GREEN TEAM

The workshop was conducted by GSD Fleet Acquisition Supervisor/ Green Team Co-Chair Oldham and Solid Waste Chief of Operations/Green Team Co-Chair Gedert, who gave an in-depth PowerPoint presentation on Fresno Green which included the History, The Time is Now for Fresno Green, Five Visions (New City Beautiful, Sierra View, Solar Valley, Green Enterprises & Economic Development, and the City as a Good Steward), which included the mission and accomplishments of each, Creating a Sustainable Community, recognition of Green Team members in attendance, and Next Steps.

President Perea commended staff on a great presentation and spoke briefly to the financial savings. Councilmember Calhoun concurred with President Perea, commented on the history of the issue stating the city had come a long way, and presented questions and comments relative to whether smaller, alternative fuel vehicles have been considered for the police department and the U.S. Mayor’s Climate Protection Plan including what the status was on the city’s membership/where that group was headed/importance of showing that Fresno is a player/and request for update on the initiative, with Co-Chairs Oldham and Gedert responding throughout.

City Manager Souza echoed comments made, stated a tremendous amount of time and energy had been invested by the Green Team and added this was truly a passion and commitment, and stated he and the Mayor were very proud of the work that has been done.

Mr. Oldham responded to comments/questions of Acting President Xiong relative to the city’s efforts, importance of getting the positive information out that the city is a player and doing things, and how well public outreach is going.

Planning & Development Director Yovino, Historic Preservation Project Manager Hattersley-Drayton and an unidentified Team Member continued with the workshop and gave a PowerPoint presentation on the New Green Building Incentive Program which included the Administrative History, Fresno Green Projects, Building Program, Incentives, Development Standards, Residential & Non-Residential Checklists **(6 - 0)**, Location, Community & Historic Preservation, Sustainable Sites, Energy & Atmosphere, Water Efficiency, Materials & Resources, Indoor Environmental Quality, and Innovation & Design Process.

Councilmember Duncan expressed his thanks for including the Duncan Enterprises building in the public arts brochure stating it was built by his father and uncle with no public subsidy. The Co-Chairs and a team member responded to comments and questions of President Perea relative to mandating public buildings go green, the Senior Paint Program, if low-emitting paints are used, paint cost, possibility of the Air Board requiring all cities and counties to take an accounting of operating emissions they produce and suggestion to start doing that, and commendation to all involved on the presentation and for being progressive, innovative and getting ahead of the curve. There was no further discussion.

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(3:30 P.M.) ACCEPT REPORT FROM THE COMMUNITY TASK FORCE ON YOUTH ISSUES - PRESIDENT PEREA

President Perea advised this task force (TF) was the outcome of the River Park teen curfew issue and community outcry, spoke to how the youth quickly organized to get their voice heard and how he felt it was important that the city of Fresno also get engaged, and identified the TF members and thanked them for the all time and effort they spent on discussing not only the River Park issue but also some of the broader issues of the quality of life for teens which he stated would be the focus of this item today.

Task force members presenting their recommendations were: Laquesha Lock and P&R Director Cooper, who spoke to Rec. #5, Developing a Teen Fresno Website; Kelsey Castillo, Rec. #6, Creating a Junior City Council; Chloe Houghton, Rec. Nos. 3 & 4, Increasing Volunteer Activities & Youth Fairs and Creating More Centers for Youth Activities; and Jesse Andrews, Rec. #5, Making a Bigger Effort to Advertise the Many Leadership Opportunities in Fresno.

Speaking in support of the recommendations and to their involvement were: TF member Craig Houghton, father of Chloe; Samuel Norman, The Rios Co.; TF member Roger Palomino, EOC Executive Director; and TF member Mai Der Vang.

Councilmember Dages stated he liked the idea of a Junior City Council and added with Mr. Cooper involved it would be successful, and spoke in support of the efforts of the TF and advised he would ask the developer of the upcoming Fancher Creek Shopping Center in southeast Fresno to incorporate something for teens and asked members to think about that and present ideas. President Perea stated he agreed with the speakers, spoke in support of the recommendations and to the importance of implementation, and asked Council to accept the report, thanked the task force, and stated he looked forward to working with staff on implementation.

On motion of President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the report from the Community Task Force on Youth Issues hereby accepted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : None
Absent : Westerlund

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:06 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the ____ 18th _____ day of _____ December _____, 2007.

_____/s/_____
Henry T. Perea, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk